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SUBJECT: NEPAL: ILLEGAL CHILD LABOR IN BRICK KILNS PERSISTS

#### Summary

1. (U) Children compose as much as one-quarter of the labor force in brick kilns in Nepalgunj, a major brick-producing center, despite a ban on this practice, which the Government of Nepal labeled one of the "worst forms of child labor." A recent visit to the region by Emboffs also revealed that the plight of these underage laborers, driven to work by poverty, is largely ignored by non-governmental organizations. Kilns Hire Children Despite Ban

2. (U) During a November 19-20 visit to Nepalgunj, the center of brick production in the Mid- and Far-Western Development Districts, Emboffs conducted interviews at six brick kilns. Owners denied using child labor, but managers readily acknowledged that 20 to 25 percent of their workers were children under the age of 16, most of whom work alongside their parents. They also admitted knowing that the practice is illegal.

3. (U) Nepali law sets 14 as the minimum working age and 16 as the minimum age for hazardous work, including work in brick kilns, which is legally defined as one of the seven "worst forms of child labor." The maximum penalties for violating these age minimums are up to three months in prison and a Rs. 10,000 fine (about USD 135) for hiring a child under 14 for any type of work and one year in prison and a Rs. 50,000 fine for hiring a child under 16 for hazardous work.

#### Indian Workers Preferred

4. (U) Almost all kiln laborers, legal and illegal, migrate from rural areas outside of the Nepalgunj, with the overwhelming majority ) an estimated 80 percent ) coming from northern India. Kiln owners and managers told Emboffs that they preferred to hire Indian workers because they are more compliant and work harder than Nepalis. They also said underage children are usually hired at the request of their parents, who want to increase family earnings.

#### Hazardous Work, Low Pay

5. (U) Brick kilns operate from November to June ) the dry season ) and underage children are involved in all phases of production up to the firing of the bricks in the kilns, including clay preparation and forming bricks. Safety measures appeared to be non-existent. The laborers who Emboffs saw, both adult and children, were barefooted and worked with bare hands. Among the obvious hazards were high levels of dust from which no protection was provided. In addition to eye irritation, child workers also appeared to suffer from sunburn ) all their work is conducted outdoors ) and malnutrition.

¶6. (U) Forming bricks is piecemeal work, with laborers paid Rs. 183 (about USD 2.45) for every 1,000 bricks they produce. It is estimated that one adult worker can form 800 bricks per hour day. (Note. The work day, which varies according to available sunlight, can be 12 hours or more. End note.) For all other work, laborers are paid a flat daily wage, which varies according to age and sex. One owner said he pays male workers 16 and older Rs. 150 to 200, women Rs. 40 less, and under-age workers just Rs. 50. He explained the pay difference by claiming "women and children are not capable of performing at the same level with men."

#### Child Workers Face Grim Future

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¶7. (U) Most of the underage workers approached by Emboffs were reluctant to talk, but those who did speak expressed deep pessimism about their prospects for a brighter future largely because they had to abandon their education in order to help provide for their families. Deprived of their childhood and education, they said they do not dream of a better future because they believe there is no possibility that it will be fulfilled.

#### No Helping Hand Extended

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¶8. (U) Emboffs were surprised to learn that, despite the widespread use of underage labor in brick production, non-governmental organizations (NGOs) have largely ignored the issue. Regional officials from Child Workers in Nepal, the U.N. Office of the High Commissioner for Human Rights in Nepal and the International Labor Organization said it is difficult for their organizations to address the use of child labor in brick kilns because the nature of the problem ) it is seasonal work involving migrant workers ) makes it difficult to assess fully. They also said it lacks the visibility of other social problems on which they are engaged, such as the use of bonded labor.

#### Comment

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¶9. (SBU) The deep pessimism of children working in brick kilns is understandable; they are caught in a double bind, which is unlikely to be broken soon. NGOs are reluctant to take up their cause because they lack visibility ) a paradoxical position given that NGOs usually take the lead in raising awareness about such issues. Without increased awareness, no pressure will be put on the government to enforce its numerous laws aimed at eliminating child labor, especially its worst forms. Nor will parents begin to understand, as these children do, that education is the key to a brighter future, so they will continue to withdraw their children from schools to work in the kilns.

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